

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TODD GRANGE,

Plaintiff,

v.

AIRVOICE WIRELESS LLC, et al.,

Defendants.

Case No. 3:24-cv-05465-BHS

REPORT AND
RECOMMENDATION

Noted for: October 14, 2024

This matter comes before the Court on plaintiff's failure to respond to the Order to Show Cause. See Dkt. 3. Plaintiff is proceeding *pro se* and *in forma pauperis* ("IFP") in this matter which has been referred to the undersigned Magistrate Judge. *Mathews, Sec'y of H.E.W. v. Weber*, 423 U.S. 261 (1976); 28 U.S.C. § 636(b)(1)(B); Local Rule MJR 4(a).

On June 11, 2024 plaintiff filed a proposed amended complaint and an application to proceed IFP. Dkt. 1. Given the identified deficiencies in the complaint, namely that plaintiff's statutory claims were not viable and his complaint did not clearly support his common law fraud claim, the Court did not grant plaintiff's IFP application. See Dkt. 3. Plaintiff was given until August 30, 2024 to show cause why the complaint should not be dismissed or file an amended complaint. *Id.*

Plaintiff has not filed a response to the order. Therefore, the Court recommends a dismissal of this action without prejudice. The parties have fourteen (14) days from

1 service of this Report and Recommendation to file written objections thereto. 28 U.S.C.
2 § 636(b)(1); Fed. R. Civ. P. 72(b); see *also* Fed. R. Civ. P. 6. Failure to file objections
3 will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474
4 U.S. 140 (1985).

5 Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the Clerk is
6 directed set this matter for consideration on **October 14, 2024**, as noted in the caption.

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8 Dated this 27th day of September, 2024.

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Theresa L. Fricke
12 United States Magistrate Judge
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